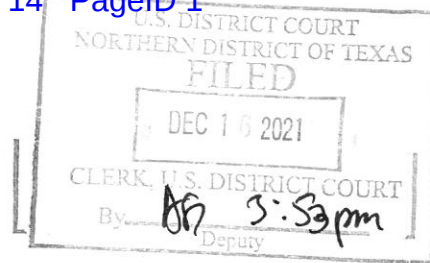


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS



DELBERT MARK BUSTOS CID# 0287555
Plaintiff's Name and ID Number

TARRANT COUNTY JAIL
Place of Confinement

CASE NO. **4-21CV-1353.0**
(Clerk will assign the number)

v.

TARRANT COUNTY, TEXAS
Defendant's Name and Address

SHARON E. WILSON TARRANT COUNTY DISTRICT ATTORNEY
Defendant's Name and Address

401 WEST BELKNAP STREET, FORT WORTH, TEXAS 76196
Defendant's Name and Address
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$52.00 for a total fee of **\$402.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$52.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 4/23/2021
2. Parties to previous lawsuit:
 Plaintiff(s) DELBERT MARK BUSTOS
 Defendant(s) TARRANT COUNTY, TEXAS AND SHERIFF BILL WAYBOURN
3. Court: (If federal, name the district; if state, name the county.) NORTHERN
4. Cause number: 4:21-CV-00587-Y
5. Name of judge to whom case was assigned: MARK T. PITTMAN
6. Disposition: (Was the case dismissed, appealed, still pending?) STILL PENDING
7. Approximate date of disposition: STILL PENDING

II. PLACE OF PRESENT CONFINEMENT: TARRANT COUNTY JAIL

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES ☒ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: DELBERT MARK BUSTOS
100 NORTH LAMAR STREET
FORT WORTH, TEXAS 76196

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: TARRANT COUNTY, TEXAS
100 NORTH LAMAR STREET, FORT WORTH, TEXAS 76196

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DENIED ME MY CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL

Defendant #2: SHARON E. WILSON, TARRANT COUNTY DISTRICT ATTORNEY
401 WEST BELKNAP STREET, FORT WORTH, TEXAS 76196

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

DENIED ME MY CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL

Defendant #3: N/A
N/A

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

N/A

Defendant #4: N/A
N/A

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

N/A

Defendant #5: N/A
N/A

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

N/A

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

TARRANT COUNTY, TEXAS AND SHARON WILSON, TARRANT COUNTY DISTRICT ATTORNEY, TEXAS HAVE VIOLATED MY CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL AND THE CONSTITUTIONAL RIGHT NOT TO BE COERCED DURING PROCEEDINGS. ON OCTOBER 1, 2021 I WAS FALSELY ARRESTED AND ILLEGALLY DETAINED ON SIX (6) SEPARATE CHARGES.

SEE EXHIBIT 1 (2 PAGES) AND EXHIBIT 2 (3 PAGES).

VI. PLEASE SEE ATTACHED PAGE 4A FOR RELATED CLAIMS.
RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

TO BE GRANTED A TRIAL ON EACH OF THESE SIX (6) CHARGES AND TO BE GRANTED 1 MILLION DOLLARS PER CHARGE FOR THE FOURTEEN MONTHS DETAINMENT.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

DELBERT MARK BUSTOS

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

TDCJ-ID # 370840 ; FEDERAL # 39152-177

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? YES ☐ NO

N/A

PARAGRAPH 1

CAUSE #1658863 IS CLAIM NUMBER 1 OF 6 CLAIMS. EACH CLAIM IS ASKING TO BE GRANTED A TRIAL AND MONETARY RELIEF IN THE AMOUNT OF ONE (1) MILLION DOLLARS FOR EXCESSIVE DETAINMENT.

PARAGRAPH 2

CAUSE #1659003 IS CLAIM NUMBER 2 OF 6 CLAIMS. EACH CLAIM IS ASKING TO BE GRANTED A TRIAL AND MONETARY RELIEF IN THE AMOUNT OF ONE (1) MILLION DOLLARS FOR EXCESSIVE DETAINMENT.

PARAGRAPH 3

CAUSE #1659005 IS CLAIM NUMBER 3 OF 6 CLAIMS. EACH CLAIM IS ASKING TO BE GRANTED A TRIAL AND MONETARY RELIEF IN THE AMOUNT OF ONE (1) MILLION DOLLARS FOR EXCESSIVE DETAINMENT.

PARAGRAPH 4

CAUSE # 1660596 IS CLAIM NUMBER 4 OF 6 CLAIMS. EACH CLAIM IS ASKING TO BE GRANTED A TRIAL AND MONETARY RELIEF IN THE AMOUNT OF ONE (1) MILLION DOLLARS FOR EXCESSIVE DETAINMENT.

PARAGRAPH 5

CAUSE # 1660583 IS CLAIM NUMBER 5 OF 6 CLAIMS. EACH CLAIM IS ASKING TO BE GRANTED A TRIAL AND MONETARY RELIEF IN THE AMOUNT OF ONE (1) MILLION DOLLARS FOR EXCESSIVE DETAINMENT.

PARAGRAPH 6

CAUSE # 1660686 IS CLAIM NUMBER 6 OF 6 CLAIMS. EACH CLAIM IS ASKING TO BE GRANTED A TRIAL AND MONETARY RELIEF IN THE AMOUNT OF ONE (1) MILLION DOLLARS FOR EXCESSIVE DETAINMENT.

EXHIBIT 1

CDC3-1659003-00

No. 1659003

FILED
TARRANT COUNTY
5/7/2021 10:17 AM
THOMAS A. WILDER
DISTRICT CLERK

THE STATE OF TEXAS

IN THE CRIMINAL DISTRICT

VS.

COURT NUMBER THREE

DELBERT BUSTOS

TARRANT COUNTY, TEXAS

**MOTION FOR CONSTITUTIONAL AND STATUTORY SPEEDY TRIAL
AND INTERSTATE AGREEMENT ON DETAINERS**

COMES NOW, the Defendant, and requests this Court to set this case for a Speedy Trial within 90 days, pursuant to Art. 17.151 C.C.P., further, if the State of Texas does not announce ready within same, and actually present evidence that the State of Texas is in fact ready for trial, the Defendant requests a personal recognizance bond.

The defendant requests the Court to grant him a speedy trial in accordance with the United States Constitution, 6th and 14th Amendments, and Texas Constitution, Art. I, Section 10, the Interstate Agreement on Detainers, Art. 51.14, C.C.P., and 18 U.S.C. Appendix 2, and would show:

The Defendant is being substantially prejudiced because of the failure of the State to afford him a speedy trial. In this regard, the Defendant has suffered oppressive pretrial incarceration. The Defendant is prejudiced by being denied a speedy and public trial in that witnesses become harder to locate, memories fade, and facts become unclear and harder to prove as time passes.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully
prays that this Honorable Court will set these matters forthwith.

RESPECTFULLY SUBMITTED,

/S/ WILLIAM H. "BILL" RAY
WILLIAM H. "BILL" RAY
BAR NO. 16608700
ATTORNEY FOR DEFENDANT

LAW OFFICE OF WILLIAM H. "BILL" RAY, P.C.
2101 MONEDA STREET
HALTOM CITY, TEXAS 76117
(817)698-9090, FAX (817)698-9092
bill@billraylawyer.com

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion was delivered by electronic filing to the Tarrant County Criminal District Attorney's Office on the date shown by the Clerk's file stamp.

/S/ WILLIAM H. "BILL" RAY
WILLIAM H. "BILL" RAY

CDC3-1659003-00

FILED
TARRANT COUNTY
9/3/2021 2:58 PM
THOMAS A. WILDER
DISTRICT CLERK

NO. 1658863, 1659003, 1659005, 1660596, 1660683, 1660686

THE STATE OF TEXAS)(IN THE CRIMINAL DISTRICT
)(
VS.)(COURT NUMBER THREE
)(
DELBERT BUSTOS)(TARRANT COUNTY, TEXAS

MOTION TO DISMISS FOR FAILURE TO
PROVIDE A SPEEDY AND PUBLIC TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the DEFENDANT herein, by and through his attorney of record, William H. "Bill" Ray, and files this Motion to Dismiss for Failure to Provide a Speedy and Public Trial, and would show the Court as follows:

The Defendant was arrested in this case on or about October 7, 2020, for the offense of robbery.

A person is guaranteed a speedy and public trial by *Article 1, Section 10 of the Texas Constitution and by the Sixth and Fourteenth Amendments to the United States Constitution.*

Relevant factors in determining whether a delay in bringing the Defendant to trial violated the constitution include the length of the delay, the reason for the delay, the Defendant's assertion of his right to speedy trial and prejudice to the Defendant. *Barker v. Wingo, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972).*

The Defendant has suffered and has been harmed by the delay as he is losing

his property and livelihood. The Defendant has witnesses that are helpful in his case and those person(s) may not be able to be located if the Court does not provide a timely trial in this case.

This procedure has violated the Defendant's federal and state constitutional rights of due process and due course.

PRAYER

Accordingly, the Defendant Prays that this Court dismiss the accusation against him for the failure of the State to bring his case to trial within a reasonable time after his incarceration.

RESPECTFULLY SUBMITTED,

/S/ WILLIAM H. "BILL" RAY
WILLIAM H. "BILL" RAY
BAR NO. 16608700
ATTORNEY FOR DEFENDANT

LAW OFFICE OF WILLIAM H. "BILL" RAY, P.C.
2101 MONEDA STREET
HALTOM CITY, TEXAS 76117
(817) 698-9090
(817) 698-9092 FAX
bill@billraylawyer.com

I am the defendant in this case, and I am demanding a speedy trial in this case.

Delbert Bustos
DELBERT BUSTOS

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing motion was electronically delivered via efile to the Tarrant County Criminal District Attorney's Office on the date shown by the Clerk's file stamp.

/S/ WILLIAM H. "BILL" RAY
WILLIAM H. "BILL" RAY

C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning was issued: N/A

Executed on: 12/3/2021
DATE

DELBERT MARK BUSTOS
Delbert Mark Bustos
(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

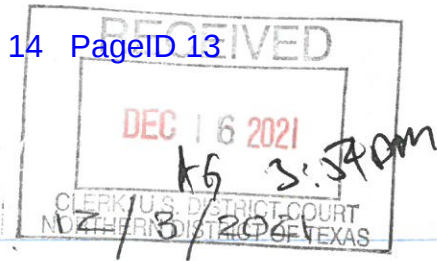
1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 3RD day of DECEMBER, 20 21.
(Day) (month) (year)

DELBERT MARK BUSTOS
Delbert Mark Bustos
(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

4-21CV-13530



UNITED STATES DISTRICT COURT

CLERK OF COURT

501 WEST 10TH STREET, ROOM 310

FORT WORTH, TEXAS 76102

RE: "1983" WRIT OF HABEAS CORPUS

DEAR CLERK,

I WISH YOU A WONDERFUL DAY! PLEASE FILE
THIS COMPLAINT AND RETURN A DATE STAMPED COPY WITH
THE NEW CASE NO. TO ME AT THE FOLLOWING ADDRESS:

DELBERT MARK BUSTOS
CID # 0287555 40-A02
100 NORTH LAMAR STREET
FORT WORTH, TEXAS 76196

I THANK YOU FOR YOUR HELP, AND YOUR TIME.

RESPECTFULLY SUBMITTED,

Delbert Mark Bustos

DELBERT MARK BUSTOS

(PAGE 1 OF 1)

DELBERT MARK BUSTOS
CID # 0287555
100 NORTH LAMAR STREET
FORT WORTH, TEXAS 76196

OFFICE OF THE CLERK OF COURT
UNITED STATES DISTRICT COURT
FORT WORTH, TEXAS
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CLERK OF COURT

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UNITED STATES DISTRICT COURT
CLERK OF COURT

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FORT WORTH, TEXAS 76102

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